



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2017 Biennium

Bill # HB0111

Title: Revise sentencing for felony DUI

Primary Sponsor: Regier, Keith

Status: As Introduced

- | | | |
|---|---|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input checked="" type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
Expenditures:				
General Fund	\$0	\$335,868	\$763,516	\$781,257
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>(\$335,868)</u>	<u>(\$763,516)</u>	<u>(\$781,257)</u>

Description of fiscal impact: HB 111 would increase the sentence imposed for a Felony Driving Under the Influence (DUI). Currently, a person convicted of a DUI must be sentenced to 13 months with the Department of Corrections (DOC), which is typically followed by up to 5 years of Probation & Parole (P & P) supervision for a total supervision time of 6 years and 1 month. HB 111 would amend this penalty by providing a DOC commitment of not less than 13 months or more than 2 years, which could require an additional 11 months of DOC supervision.

FISCAL ANALYSIS

Assumptions:

Department of Corrections

1. Felony offenders sentenced under the DUI statutes are sent to the contracted Warm Springs Addiction Treatment & Change (WATCH) program where they are expected to complete a 180-day alcohol treatment program. Typically, once the program is completed, the offender is placed on P&P supervision for the remainder of the 13-month sentence, with up to another 5 years of P&P supervision.
2. On average, over the past 5 years, a total of 202 offenders completed the WATCH program annually. It is assumed no changes will be made to this group of offenders as the offenders will remain under P&P

supervision after they complete the 6-month WATCH program. An offender can be released to P&P supervision upon program completion, which can occur before the 13 months. HB 111 could require this group of offenders to remain on P&P supervision for an additional 11 months. However, the projected increased cost for this group would not affect the department's P&P costs until after 6 years and 1 month of total supervision.

3. On average, over the past 5 years, a total of 8 offenders (7 males and 1 female) per year did not have sufficient sentence time to complete the WATCH program, primarily due to credit for time served in jail before sentencing by a judge. It is assumed the additional sentence time will allow this group of offenders to complete the WATCH program. Since these offenders wait in a jail or prison placement to enter the WATCH program and typically need only a few additional months to complete the program, it is estimated that this population will create minimal additional costs to the department.
4. Based upon current sentencing practices under this code, it is assumed that judges will sentence approximately 50% of offenders to the maximum two-year sentence.
5. There are three groups of offender types estimated to increase time in prison due to the additional 11-month sentence. All three groups are offenders sent to prison to complete the 13-month term instead of completing the 6-month WATCH program followed by P&P supervision. The offenders listed below could have an additional 11 months in prison after the original 13-month sentence.
 - a. Offenders who did not attend WATCH. This could include medical cases, those offenders who choose not to participate, or offenders who were not approved for placement into WATCH. This population is estimated at 16 (15 males and 1 female) per year. Assuming that half of this group will be given the maximum sentence, 8 offenders would spend an additional 11 months in prison.
 - b. Offenders who were removed from WATCH and placed directly into prison. This population is estimated at 10 (10 males and 0 females) per year, which would result in 5 offenders with an additional 11 months in prison.
 - c. Offenders who were removed from WATCH, moved to another community placement, and then sent to prison. This population is estimated at 18 (17 males and 1 female) per year, which would result in 9 offenders with an additional 11 months in prison.
6. For persons convicted of a felony under this new language, the cost of incarceration in FY 2016 is estimated at \$34,175 per year per male inmate and \$38,515 per year per female inmate. These figures are inflated by 1.5% annually during FY 2017 – FY 2019.
7. Beginning in FY 2017, there will be a gradual increase in the estimated prison population as a result of HB 111. In FY 2018 and 2019, the cumulative estimated prison population increase would be 22 offenders (21 males and 1 female) serving an additional 11 months in prison.
8. Estimates include an increased stay of 11 months, with a staggered entry into the prison system after the original 13-month sentence. This cost also includes a savings of P&P supervision during the 11 months those offenders would remain in prison.
9. The estimate costs of HB 111 are shown in the table below.

Total Combined Costs			
	Probation	Prison	Total Cost
FY 2016	\$0	\$0	\$0
FY 2017	(\$19,315)	\$355,183	\$335,868
FY 2018	(\$44,377)	\$807,892	\$763,516
FY 2019	(\$45,209)	\$826,466	\$781,257

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses	\$0	\$335,868	\$763,516	\$781,257
TOTAL Expenditures	<u>\$0</u>	<u>\$335,868</u>	<u>\$763,516</u>	<u>\$781,257</u>
<u>Funding of Expenditures:</u>				
General Fund (01)	\$0	\$335,868	\$763,516	\$781,257
TOTAL Funding of Exp.	<u>\$0</u>	<u>\$335,868</u>	<u>\$763,516</u>	<u>\$781,257</u>
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
TOTAL Revenues	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	\$0	(\$335,868)	(\$763,516)	(\$781,257)

Long-Term Impacts:

- HB 111 is estimated to increase the prison population by 22 inmates, resulting in an estimated additional cost of \$4,939,884 during the period of FY 2020 through FY 2025.


Sponsor's Initials

1/6/15
Date


Budget Director's Initials

5/15
Date